

This listing of claims replaces all prior versions, and listings of claims in the application:

### LISTING OF THE CLAIMS

1 (Canceled)

2. (Currently Amended) A magazine-based data cartridge library, as claimed in claim 1 5 wherein: said cartridge transport device comprises said elevator.

3. (Currently Amended) A magazine-based data cartridge library, as claimed in claim 1 5, further comprising: an entry/exit port for conveying one of said at least two data cartridge magazines between an environment that is exterior to a space defined by said frame and an entry/exit space that is interior to said space defined by said frame; wherein said entry/exit space is accessible to said magazine transport device.

4. (Canceled)

5. (Currently Amended) ~~A magazine-based data cartridge library, as claimed in claim 4,~~  
wherein: A magazine-based data cartridge library comprising: a frame; a shelf system,  
operatively attached to said frame, for supporting at least two data cartridge magazines and  
comprising at least one shelf; a drive that is operatively attached to said frame; a cartridge  
transport device, operatively attached to said frame, for moving a data cartridge between one  
of said at least two data cartridge magazines and said drive; a magazine picker for displacing  
one of said at least two data cartridge magazines towards and away from said shelf; and an  
elevator for moving said magazine picker; wherein said magazine picker comprises: a  
magazine support; and means for transporting one of said at least two data cartridge  
magazines between said magazine support and said at least one shelf; wherein during  
transporting of one of said at least two data cartridge magazines between said magazine  
support and a said at least one shelf, said magazine support remains in substantially the same  
position; said magazine support comprises at least a pair of support rails for engaging one of  
said at least two data cartridge magazines; said means for transporting is located in a space

between said pair of support rails.

6. (Currently Amended) A magazine-based data cartridge library, as claimed in claim 4 5, wherein: said pair of support rails are adapted to engage a pair of data cartridge magazine rails.

7. (Currently Amended) A magazine-based data cartridge library, as claimed in claim 4 5, wherein: said means for transporting comprises: means for engaging one of said at least two data cartridge magazines; and means for moving said means for engaging.

8. (Previously presented) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for engaging comprises: a member with a surface for contacting one of said at least two data cartridge magazines; an actuator for selectively providing a motive force for moving said member so that said surface moves into and out of position to contact one of said at least two data cartridge magazines; and a linkage that constrains said member to rotate about an axis.

9. (Original) A magazine-based data cartridge library, as claimed in claim 8, wherein: said actuator comprises a rotational actuator that provides a rotational motive force.

10. (Original) A magazine-based data cartridge library, as claimed in claim 9, wherein: said rotational actuator comprises an electric motor.

11. (Previously presented) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for engaging comprises: a member with a first surface for contacting one of said at least two data cartridge magazines and a second surface for contacting one of said at least two data cartridge magazines that is separated from said first surface; an actuator for selectively providing a motive force for moving said member so that said first and second surfaces move into and out of position to contact a one of said at least two data cartridge magazines; and a linkage that constrains said member to rotate about an axis.

12. (Original) A magazine-based data cartridge library, as claimed in claim 11, wherein: said member extends from a first terminal end to a second terminal end; said axis is located between said first and second terminal ends; and said first and second surfaces are located between said axis and said first terminal end.

13. (Original) A magazine-based data cartridge library, as claimed in claim 11, wherein: said member extends from a first terminal end to a second terminal end; said axis is located between said first and second terminal ends; said first surface is located between said axis and said first terminal end; and said second surface is located between said axis and said second terminal end.

14. (Previously presented) A magazine-based data cartridge library, as claimed in claim 13, wherein: said first surface comprises a third surface for contacting one of said at least two data cartridge magazines and a fourth surface for contacting one of said at least two data cartridge magazines that is separate from said third surface.

15. (Previously presented) A magazine-based data cartridge library, as claimed in claim 14, wherein: said second surface comprises a fifth surface for contacting one of said at least two data cartridge magazines and a sixth surface for contacting one of said at least two data cartridge magazines that is separate from said fifth surface.

16. (Original) A magazine-based data cartridge library, as claimed in claim 11, wherein: said actuator comprises a rotational actuator that provides a rotational motive force.

17. (Original) A magazine-based data cartridge library, as claimed in claim 16, wherein: said rotational actuator comprises an electric motor.

18. (Previously presented) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for engaging comprises: a member with a surface for contacting a data

cartridge magazine; an actuator for selectively providing a motive force for moving said member so that said surface moves into and out of position to contact one of said at least two data cartridge magazines; and a linkage that constrains said member to move linearly.

19. (Original) A magazine-based data cartridge library, as claimed in claim 18, wherein: said actuator comprises a linear actuator that provide a linear motive force.

20. (Original) A magazine-based data cartridge library, as claimed in claim 19, wherein: said linear actuator comprises a solenoid.

21. (Original) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for engaging comprises a belt; and said means for moving comprises an electric motor for rotating said belt.

22. (Previously presented) A magazine-based data cartridge library, as claimed in claim 21, wherein: said belt comprises a surface for engaging a surface of one of said at least two data cartridge magazines.

23. (Original) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for moving comprises an electrical motor.

24. (Original) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for moving comprises a solenoid.

25. (Original) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for moving comprises a lead screw.

26. (Original) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for moving comprises a belt-and-pulley system.

27. (Original) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for moving comprises means for linearly translating said means for engaging.

28. (Previously presented) A magazine-based data cartridge library, as claimed in claim 7, wherein: said means for transporting comprises means for sensing when said means for engaging has engaged one of said at least two data cartridge magazines.

29. (Original) A magazine-based data cartridge library, as claimed in claim 28, wherein: said means for sensing comprises an optical sensor.

30. (Original) A magazine-based data cartridge library, as claimed in claim 8, wherein: said means for engaging comprises a force limiter that is located between said actuator and said member.

31. (Original) A magazine-based data cartridge library, as claimed in claim 30, wherein: said force limiter comprises a spring.

32. (Original) A magazine-based data cartridge library, as claimed in claim 30, wherein: said force limiter comprises a first spring and a second spring.